

# EXHIBIT D

**Brenner, Wendy**

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**From:** Anna Levine [alevine@dralegal.org]  
**Sent:** Thursday, June 10, 2010 1:38 PM  
**To:** Brenner, Wendy  
**Subject:** Enyart Preliminary Injunction Proposed Order  
**Attachments:** HN-#859740-v2-Draft\_Order\_Language\_(2nd\_PI).AL2.DOC

Dear Wendy,

Attached are my proposed revisions to the preliminary injunction order that you previously circulated. I made a few changes to add provisions from the June 4, 2010 minute order of the court, and to better correspond the MPRE and MBE sections.

Let me know if you have any questions. I need to leave at 3pm today, but am available by telephone before that time, as well as all day tomorrow.

Thanks,

Anna

Anna Levine, Staff Attorney  
Disability Rights Advocates  
2001 Center Street, Third Floor  
Berkeley, California 94704-1204

510 665 8644 (Tel)  
510 665 8716 (TTY)  
510 665 8511 (Fax)

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1. With respect to the August 2010 administration of the Multistate Professional Responsibility Examination (MPRE), NCBE shall provide ACT with the MPRE, ~~in 14-point Arial font,~~ loaded onto a laptop computer equipped with JAWS and ZoomText software, with the examination questions displayed in 14-point Arial font. NCBE shall also direct ACT to provide Ms. Enyart with the following accommodations on the August 2010 administration of the MPRE:

- (a) Double the standard time;
- (b) A private room;
- (c) One five minute break every hour;
- (d) A scribe to fill in the answers.

NCBE shall deliver the laptop computer to ACT no less than two (2) days prior to the administration of the examination, and request ACT to provide Ms. Enyart with access to the laptop twenty-four (24) hours before the examination to attach her peripherals ~~and~~ customize the JAWS and ZoomText settings, and test the equipment prior to the day the examination is to be taken. ACT shall be responsible for custody of, and access to, the laptop once it is delivered to ACT. In the event of any problem with ACT in connection with this order, counsel are to notify the court one week prior to the day of the examination.

Additionally, NCBE shall direct ACT to permit Ms. Enyart to use all of the following during the ~~examination-MPRE~~ as accommodations, all of which shall be brought to the examination by Ms. Enyart:

- (e) An ergonomic keyboard;
- (f) A trackball mouse;
- (g) A large monitor;
- (h) Her own lamp to control lighting conditions;
- (i) Sunglasses;
- (j) A yoga mat;
- (k) Large print digital clock;
- (l) Migraine medication.

The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage devices or storage mechanisms and NCBE does not guarantee the interoperability of such devices with the computer it provides. The ~~examination-MPRE~~ shall be administered by ACT with the above accommodations pursuant to the Stipulation Re: Voluntary Dismissal Without Prejudice of Defendant ACT, Inc., filed with the Court on November 25, 2009.

2. With respect to the July 2010 administration of the California Bar exam, NCBE shall provide the State Bar of California, Committee of Bar Examiners (the "State Bar") with the Multistate Bar Examination (MBE), ~~in 14-point Arial font~~, loaded onto a laptop computer equipped with JAWS and ZoomText software furnished by NCBE, with the examination questions displayed in 14-point Arial font. NCBE shall deliver the laptop computer to the State Bar no less than two (2) days prior to the administration of the ~~examination~~ MBE, and request the State Bar to provide Ms. Enyart with access to the laptop twenty-four (24) hours before the examination to attach her peripherals, customize the JAWS and ZoomText settings, and test the equipment prior to the day the examination is to be taken. The State Bar shall be responsible for custody of, and access to, the laptop once it is delivered to the State Bar. Decisions with respect to the administration of the examination shall rest with the State Bar. The MBE shall be administered by the State Bar with the above accommodations pursuant to the Stipulation Regarding Dismissal Without Prejudice of Defendant State Bar of California; Order Thereon filed with the Court on December 9, 2009.